

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 February 2023

Public Authority: Department for Work and Pensions
Address: Caxton House
Tothill Street
London SW1H 9NA

Decision (including any steps ordered)

1. The Commissioner's decision is that the complainant's request to the Department for Work and Pensions (DWP) about its Work Programme and placement schemes is a vexatious request under section 14(1) of FOIA. Under section 17(6), the DWP was not obliged to issue the complainant with a further refusal notice. It is not necessary for the DWP to take any steps.

Request and response

2. The complainant made the following information request to the DWP on 2 August 2022:

"Under your departments past, present and potential future initiatives/schemes covered under the general heading of "Welfare for Work" has any individual registered as unemployed been ordered (against their will) to attend such a placement when they were not in receipt of any out of work income replacement benefits or indeed any welfare payment?"
3. The DWP did not provide a response to the request. It subsequently confirmed to the Commissioner that it had previously categorised the

complainant's similar requests as vexatious under section 14(1) of FOIA. It was now relying on section 17(6) to refuse to issue the complainant with a further section 14(1) refusal notice.

Reasons for decision

4. This reasoning covers whether the complainant's request is vexatious and whether the DWP was obliged to issue the complainant with a further refusal notice to that effect.
5. Under section 14(1) of FOIA a public authority is not obliged to comply with a request for information if the request is vexatious.
6. Under section 17(6), if a public authority has already given an applicant a section 14(1) refusal it is not obliged to give the applicant another if it would be unreasonable to do so.
7. In a submission to the Commissioner the DWP noted that the theme of the request in this case is "Welfare for Work" – the Commissioner understands this to be the complainant's term. The DWP says that this term relates to the DWP's Work Programme and placement schemes that people claiming out of work benefits may be required to attend as part of them receiving benefit payments.
8. The DWP says that this matter is the subject of a long running campaign of requests from the complainant. They have submitted 50 information requests and 27 internal review requests on this theme between 2017 and 2022. The DWP provided the Commissioner with a record of its correspondence with the complainant since February 2017.
9. During 2018 and 2019 the complainant received 11 separate section 14 responses from the DWP. The DWP also made it clear to the complainant that section 17(6) of FOIA provides that there is no need for a public authority to issue a section 14(1) refusal notice if it has already given the applicant such a notice.
10. On 27 August 2019 the DWP had issued the complainant with a final refusal notice, the text of which it has provided to the Commissioner. In this notice, the DWP had advised the complainant that it was relying on section 17(6); that it would handle any requests the complainant made to the DWP on unrelated subjects as normal; but that it would not respond to any further correspondence from them "on this matter".
11. In its submission the DWP noted that under FOIA, the Commissioner's guidance and the Section 45 Code of Practice there is no statute of limitations on section 17(6). In keeping with the Code of Practice the DWP said it had reviewed all subsequent FOIA and internal review

requests that it has received from the complainant to establish if they are vexatious and covered under the 2019 refusal notice.

12. The DWP confirmed that it has found that recent requests are covered under the 2019 refusal notice, as they are on the same theme. As such, the DWP has not responded to these requests from the complainant and will not issue a further response to the complainant on this matter [that is, the matter of "Welfare for Work"].
13. The complainant submitted a complaint to the Commissioner because they had not received a response to what they considered to be "a very innocent question". The complainant omitted to mention their numerous previous requests to the DWP on the same subject as this request, refused under section 14(1), or the fact that they had received the above refusal notice in 2019. That refusal notice should have indicated to the complainant why they had not received a response to their request.
14. Having considered the DWP's submission, and all the circumstances, the Commissioner is satisfied that the request of 2 August 2022 is a vexatious request under section 14(1) of FOIA and another in a pattern of vexatious requests from the complainant to the DWP on the same subject. He notes the refusal notice the DWP issued to the complainant in 2019 and, because the current request concerns the same matter, the Commissioner finds that section 17(6) of FOIA released the DWP from its obligation to issue a further refusal notice to the complainant.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals
PO Box 9300
LEICESTER
LE1 8DJ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Cressida Woodall
Senior Case Officer`
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF